

POLICY FOR PAROLE RELEASE AND REVOCATION:  
THE NATIONAL INSTITUTE OF CORRECTIONS  
1988- 1989 TECHNICAL ASSISTANCE PROJECT

January 1990

Prepared for the National Institute of Corrections,  
U.S. Department of Justice

***COSMOS***  
***CORPORATION***

POLICY FOR PAROLE RELEASE AND REVOCATION:  
THE NATIONAL INSTITUTE OF CORRECTIONS  
1988- 1989 TECHNICAL ASSISTANCE PROJECT

Peggy B. Burke, Project Director  
COSMOS Corporation

Linda Adams  
Becki Ney  
Center for Effective Public Policy

January 1990

Prepared for the National Institute of Corrections,  
U.S. Department of Justice

This grant was supported by  
grant number 88C03GGY3 from  
the National Institute of  
Corrections, U.S. Department of  
Justice. Points of view or  
opinions stated in this document  
are those of the authors and do  
not necessarily represent the  
official position or policies of the  
U.S. Department of Justice.

## PREFACE

Parole decisionmaking is a critical juncture in the criminal justice system. Parole decisionmakers influence the timing and conditions of release for offenders exiting our nations prisons. For the vast majority of offenders who are ultimately released from prison, parole is a bridge back to the community. For the public, it is a vehicle for controlling the risk of offenders as they return to their homes and for ensuring the return to prison of those who cannot make the transition successfully.

As the number of offenders moving through the system increases, the task facing parole decisionmakers becomes more and more difficult, yet more and more crucial. From January of 1988 through January of 1990, the National Institute of Corrections (NIC) funded a national program of technical assistance for parole decisionmakers at the state level. The purpose of the project was to assist paroling authorities with their crucial decisionmaking responsibilities. The project focused upon the improvement of decisionmaking policies and practice. This report summarizes the activities conducted during the project, updates the reader on specific progress made by jurisdictions participating in the project, and presents the lessons which have emerged from it.

The project was conducted by COSMDS Corporation in collaboration with its subcontractor, the Center for Effective Public Policy. The authors of this report would like to give special recognition to Mr. Kermit Humphries, the NIC grant monitor, who was an invaluable member of the project team as well as a source of insight and guidance. We would also like to express our appreciation to the many paroling authority members and their staffs who worked closely with the project team, and to the pool of expert consultants who enhanced the team's skills and knowledge.

All of this help notwithstanding, the authors alone are responsible for the information in this report.

## EXECUTIVE SUMMARY

During 1988 and 1989, the National Institute of Corrections funded a program of technical assistance for state paroling authorities. The project was carried out by COSMDS Corporation and its subcontractor, the Center for Effective Public Policy, Inc. The purpose of the assistance was to support paroling authorities as they developed explicit policy to guide release and revocation decisions.

### Participating Jurisdictions

During the course of the project, nine state paroling authorities received assistance: the District of Columbia, Florida, Kansas, Massachusetts, New York, South Carolina, Tennessee, Utah, and Virginia. The assistance was delivered primarily through on-site work by the technical assistance team. In addition, a three-day workshop was designed and conducted which provided the opportunity for four paroling authorities to work together on common problems.

### Assistance Provided

The technical assistance team assisted paroling authorities and their staff to:

- Define their own needs for assistance;
- Define sanctioning goals;
- Define policy objectives for structured decisionmaking;
- Develop specific workplans to design, pilot test, modify, and implement policies regarding release and revocation; and
- Design and deliver training to board and staff regarding policy implementation.

Examples of the types of on-site and off-site activities involved in the assistance included:

- Interview and document review to clarify the need for assistance;
- Design and facilitate executive retreats to consider and clarify mission, sanctioning purpose, and policy objectives;
- Present information regarding historical context, nationwide trends, as well as other jurisdictions' experiences and practice with regard to decisionmaking policy;
- Advise on draft policy documents and implementation plans;
- Design and facilitate staff discussions to serve as input for policy changes; and
- Design and deliver training for staff and board regarding policy design and implementation.

### Progress

Among the jurisdictions receiving assistance, major strides have been made toward explicit policy governing parole release and responses to violation behavior. A number of jurisdictions have dedicated their own funds or secured other outside funding to develop and/or validate risk assessment instruments (Massachusetts, South Carolina, Tennessee, District of Columbia, Virginia), at least two are currently operating under release policies developed under this (or its predecessor) project (Tennessee, South Carolina), two are in the process of developing release policy (Massachusetts and Virginia), one is pilot testing (South Carolina) and two are moving toward the development of policy to govern violation behavior (Tennessee, New York). Each participating jurisdiction has also made major progress in the definition of mission and clarification of sanctioning purpose.

### Observations

The experience of working with these nine jurisdictions on the topic of structured decisionmaking provides some observations regarding

the status of parole today and the changes emerging from efforts to develop explicit parole decision policy.

Variety of Approaches. During the early 1980s the most common major approach to explicit parole policy was adoption of some version of the U.S. Parole Commission's matrix model. In contrast, jurisdictions today are developing a variety of approaches that are adapted to their own sentencing and organization structure, as well as to their own objectives as a paroling authorities. In addition, the approaches being adopted might be characterized as "sequential" rather than "integrated." A sequential policy model explicates and takes the decisionmaker clearly through the different components of the decision, arraying each separately. Each component (e.g., risk assessment) is identified, a specific scale is used if appropriate, and the results of each component are arrayed along with the decision options available for each. In contrast an "integrated" approach--such as some matrix models--tends to distill all aspects of the decision into a single format. A decision matrix may distill desert, risk, time served, aggravation and mitigation, and, in some cases, institutional behavior onto a brief worksheet of one or two pages.

A sequential approach seems to be more understandable to the decisionmaker and seems to emulate more closely the actual process a decisionmaker follows to arrive at a conclusion.

Responses to Violation Behavior. Although early advances in the area of structured decisionmaking for parole were almost exclusively limited to the release decision, current interest and efforts among a number of jurisdictions include the development of policy regarding the handling of violation behavior of offenders on parole supervision in the community. This policy initiative was originally conceived as a need for "revocation" guidelines. Some practitioners quickly concluded that they had been focusing primarily on how long a person should be incarcerated when parole is revoked. It is much more helpful to think about the range of options parole supervision agencies and paroling authorities have in responding to violation behavior. Intermediate sanctions (e.g., changing the level of supervision, requiring more

stringent reporting or urine testing, movement to residential treatment, etc.) for violation behavior could be defined through explicit policy. Therefore, the most current and innovative thinking about explicit policy involves "responses to violation behavior," rather than "revocation." Revocation is only one of a number of possible responses.

Risk Assessment. Interest in empirical tools to assess risk continues to be high among the parole community. There is a gradual increase of understanding regarding the uses for risk assessment tools and the need to ensure their technical soundness. Five of the eight states receiving technical assistance under this grant are engaged in the validation of risk assessment instruments. There also seems to be a growing understanding that these instruments are merely tools for decisionmaking that require a policy framework in order to be useful.

### Conclusions

This technical assistance project has found a continuing interest and commitment to structured decisionmaking among the jurisdictions participating in the project. These jurisdictions have found that the development of explicit policy regarding release and revocation provides a useful tool in meeting the challenges facing parole today.

The project also has demonstrated the viability of technical assistance as a significant resource to support paroling authorities in the policy development process. All six jurisdictions receiving substantial (more than a few days) assistance have made major strides toward more structured decisionmaking--both for release and for revocation. A description of progress made in each jurisdiction is included in Part III of this document.

Paroling authorities are making advances in structured decisionmaking, expanding from the arena of release decisionmaking to include responses to violation behavior as well. Jurisdictions are departing from a past pattern of adopting a matrix format to express release policy and, instead, are developing a more "sequential" approach to

policy. Heavy emphasis is being placed upon policy tailored to individual jurisdictions.

One issue of current concern to parole practitioners is the link between release decisionmaking on the one hand and supervision and responses to violation behavior on the other. This interest underlies the growing interest in policy regarding responses to violation behavior. Among these practitioners there is some feeling that the future of parole will be shaped by the degree to which parole release decisionmaking can be linked to supervision and the handling of violation behavior.



CONTENTS

<b>PREFACE</b> .....	ii
<b>EXECUTIVE SUMMARY</b> .....	iii
<b>Section</b>	
<b>I. INTRODUCTION: PAROLE DECISIONMAKING 1987-1989</b> .....	1
<b>II. PROJECT OVERVIEW</b> .....	2
<b>Assistance Tailored to Individual Jurisdictions</b> .....	2
<b>On-Site Assistance</b> .....	2
<b>Emphasis on Goals</b> .....	2
<b>Definition of Structured Decisionmaking</b> .....	3
<b>III. STATE VIGNETTES</b> .....	4
<b>District of Columbia</b> .....	5
<b>Florida</b> .....	6
<b>Kansas</b> .....	7
<b>Massachusetts</b> .....	8
<b>New York</b> .....	9
<b>South Carolina</b> .....	10
<b>Tennessee</b> .....	11
<b>Utah</b> .....	12
<b>Virginia</b> .....	13
<b>IV. LESSONS LEARNED</b> .....	15
<b>Sanctioning Purposes</b> .....	15
<b>Structured Decisionmaking Revisited</b> .....	17
<b>Policy Guiding Responses to Violation Behavior</b> .....	19
<b>V. OBSERVATIONS ON THE DELIVERY OF TECHNICAL ASSISTANCE</b> .....	20
<b>Broadening the Definition of On-Site Technical Assistance</b> .....	20
<b>Composition of the Technical Assistance Team</b> .....	21
<b>Time Frame</b> .....	22
<b>Critical Mass On Site</b> .....	23
<b>Working with Technical Assistance Recipients</b> .....	23
<b>Balancing Assistance and Ownership</b> .....	24

VI.	CURRENT TRENDS IN PAROLE .....	25
VII.	FUTURE CHALLENGES .....	28
	Responses to Violation Behavior .....	28
	Building Bridges to the Public .....	30
	Defining a Future for Parole .....	31
	REFERENCES .....	33
Appendix		
A.	Project Organization .....	A-1
B.	Project Staff, Consultants, and State Teams .....	B-1
C.	Project Mailing .....	C-1

## I. INTRODUCTION: PAROLE DECISIONMAKING 1987-1989

The last years of the 1980s have proven to be difficult ones for parole. Public scrutiny of parole release, supervision, and revocation functions has increased. Overflowing institutional populations continued to create pressures to release and have heightened concern over public safety. New roles were challenging parole decisionmakers to manage growing organizations, to be intelligent consumers of research, and to engage in policymaking.

In 1987 the National Institute of Corrections (NIC) announced its intention to fund a program of technical assistance for paroling authorities interested in establishing consistent, responsible, and objective parole decisionmaking processes at the state and county level. The 1987 initiative was a follow-on to an earlier NIC grant that had provided technical assistance to paroling authorities during 1986 and the earlier part of 1987. Both efforts were conducted through grants awarded to COSMDS Corporation with the Center for Effective Public Policy as subcontractor.

Both efforts were in response to numerous requests from the parole community. They were conceived as a vehicle to bring the best state-of-the-art knowledge and techniques to parole decisionmakers. During the course of the projects, technical assistance teams worked on-site with individual paroling authorities to define their needs for assistance in developing explicit policy, and provided advice, consultation, facilitation, and resource materials both in person and long distance.

This document summarizes the activities of the second national technical assistance project for parole decisionmaking. (The first project is documented in a previous report, Burke, et. al., 1987.) It also presents the lessons which emerged from the project, both for parole as a discipline and for the delivery of technical assistance. A final chapter addresses implications for the future of parole.

## II. PROJECT OVERVIEW

The goal of this project was to assist state paroling authorities to develop and implement explicit policy to guide release and revocation decisionmaking. It sought to achieve that goal through the provision of technical assistance that had several distinctive characteristics.

### Assistance Tailored to Individual Jurisdictions

Experience on the first technical assistance project confirmed that, while paroling authorities have many similarities, each is unique with respect to its legislative mandate, sentencing structure, staff resources, relationships within the criminal justice system, and overall goals for decisionmaking.

### On-Site Assistance

The assistance was provided primarily on-site. The unique character of an authority cannot be fully appreciated without a needs assessment being conducted on-site where key staff and board members can be involved. Also, an understanding of the staff and data resources at the disposal of a board is very important in designing effective assistance.

### Emphasis on Goals

The assistance was designed based upon the goals of a specific paroling authority. The assistance effort did not assume that there is one "model" or "best" way to design structured parole decisionmaking. The assumption, rather, was that the design of such a system must grow from the goals and objectives of the appointed members of the individual paroling authority. As a result, an important element of needs assessment was clarification of goals and objectives for release and revocation decisionmaking. An important aspect of the technical assistance was working with paroling authorities to clarify their goals and objectives.

### Definition of Structured Decisionmaking

For purposes of this project, a number of characteristics of "structured decisionmaking" were identified:

- Explicitly stated goals for decisionmaking practices (e.g., desert, incapacitation, rehabilitation, etc.);
- Explicit, written policy covering topics such as release, offender eligibility for parole, setting terms, conditions of parole release, supervision levels;
- Explicit decisionmaking tools (e.g., rating sheets, risk prediction instruments);
- Policy governing responses to violation behavior;
- Tracking systems to document decisionmakers' utilization of policy; and
- Systems for periodic review and revision of policy.

The theme of structured decisionmaking was deliberately chosen for this project by the National Institute of Corrections as part of a broader strategy to introduce more objective, systematic, and visible methods for decisionmaking in correctional systems.

The appendices to this report include information on:

- Project organization (Appendix A);
- Project staff, consultants, and state teams (Appendix B); and
- The mailing sent to each state paroling authority to announce the availability of assistance (Appendix C).

### III. STATE VIGNETTES

Over the course of this project, on-site technical assistance was provided to nine individual paroling authorities. These were:

- The District of Columbia Board of Parole;
- The Florida Parole Commission;
- The Kansas Parole Board;
- The Massachusetts Parole Board;
- The New York Board of Parole;
- The South Carolina Department of Probation, Parole and Pardon Services;
- The Tennessee Board of Paroles;
- The Utah Board of Pardons; and
- The Virginia Parole Board.

In addition, a three-day workshop was convened in which four paroling authorities took part. Jurisdictions participating in the workshop were New York, South Carolina, Tennessee, and Utah.

Of the nine states receiving assistance, six elected to go forward with major efforts to introduce more structure into their decision-making practice and were supported by technical assistance. These were the District of Columbia; the Massachusetts Parole Board; the New York Board of Parole; the South Carolina Department of Probation, Parole and Pardon Services; the Tennessee Board of Paroles; and the Virginia Parole Board. Each of these six has made significant progress in developing and implementing more explicit objectives and policy regarding parole. The three electing not to proceed with major policy development efforts, either faced major turnover on their Boards (Utah), felt that their membership was not yet prepared to engage in

significant consensus building concerning policy (Kansas), or pursued policy in a different context (Florida).

The following section summarizes the assistance provided to each of these paroling authorities and synthesizes the progress made in each jurisdiction toward more structured decisionmaking. The jurisdictions are listed in alphabetical order.

### District of Columbia

Background. The District of Columbia's Board of Parole is appointed by the Mayor and confirmed by the City Council. It has responsibility to release, set conditions, and if necessary, revoke parole supervision for all felons and misdemeanants sentenced to a term of six-months or more and for adult offenders sentenced under the Youth Act. Parole supervision, formerly administered by the Department of Corrections (DOC), is now under the authority of the Board.

The Board of Parole has been operating with a set of release guidelines for four years. However, as part of its 1988-89 action agenda, the Board committed to a re-evaluation of their release guidelines.

Assistance Provided. The technical assistance team worked on-site with Board members and staff to conceptualize a structure for decisionmaking guidelines. Two leadership meetings were held to clarify sanctioning purposes and identify components of release decisionmaking to be incorporated in revised guidelines. Technical assistance (TA) team members also provided an introductory orientation to sanctioning purposes and parole guidelines at an annual all-staff agency meeting. This was a result of the Board's commitment to orient all staff from the agency to this guideline development effort. TA staff also worked directly with parole staff and other District government staff in a joint effort to validate risk factors included in the current guidelines. The project provided the services of a technical consultant to assist in the design of the validation study.

Progress Toward Structured Decisionmaking. The Board's investment in bringing leadership from both the Board and its supervision unit has

resulted in stronger understanding and support for policy changes. In fact, joint efforts across the agency directly influenced organizational restructuring that was conceived and implemented during the period of technical assistance. Also, as a result of participation in the national project, the D.C. Board has initiated the long-awaited validation of offender assessment risk factors. Initial results of this study will be forthcoming in the summer of 1990 at which time Board and staff will integrate various components of guidelines into a revised draft. In the meantime an interest is mounting to engage a parallel process of development on revocation guidelines.

### Florida

Background. The Florida Parole Commission currently has release decisionmaking authority over inmates convicted of crimes committed before October 1, 1983. Offenses committed after that date are covered by sentencing guidelines. Unless revived by statute, discretionary parole release will eventually be phased out in the state. The state's correctional institutions are operating under a judicially-imposed population cap and population is kept within that cap by granting "gain time" to certain classes of inmates based upon a formula administered by the Department of Corrections. During the spring of 1989 the Florida legislature created a Control Release Authority, appointing as its members the current membership of the Florida Parole Commission. The goal of this new Authority is the control of the population within Florida's prisons by assignment of controlled release dates on a more discretionary basis. The concept is to assure that the offenders who pose the most risk of future criminal activity will serve greater portions of their sentences, and that those posing less risk will be eligible for roll backs of their control release dates as population conditions demand.

Assistance Provided. During the latter months of the technical assistance project, the Florida Parole Commission requested assistance in developing a risk instrument to help guide their new duties as the Control Release Authority. Since most of the project's resources had



already been obligated, the assistance provided was quite modest. It involved one two-day site visit, discussions with the Board and the task force preparing to implement the duties of the Control Release Authority, and preparation of written recommendations regarding involvement of the Board in the development of Control Release Policy.

In a recent development, the state's Crime Prevention and Law Enforcement Study Commission has recommended the reinstatement of parole eligibility for those offenders not eligible for control release.

Progress Toward Structured Decisionmaking. Although the limited involvement of the project team in Florida's efforts certainly cannot claim any responsibility for progress in the state, the development of a Control Release Authority is clearly an indication of important changes in the field of parole. It suggests the recurring need for discretionary decisionmaking after the time of judicial sentencing. It also underlines the need for decisionmaking tools (in this instance a risk assessment instrument) as part of an overall policy structure governing such decisionmaking.

### Kansas

Background. The Kansas Parole Board is responsible for release and revocation decisionmaking in the state. Recently expanded from three to five members and facing an increase in hearing duties as a result of statutory change, the Chair of the Board requested that the technical assistance project provide assistance in moving the Board toward explicit policy regarding their release practices.

Assistance Provided. Based on extensive telephone interviewing of the Board and staff and review of background documents, the team designed and facilitated a two and one-half day retreat for the members of the Board and their staff. The purpose was to clarify the definition of structured decisionmaking, to review the range of sanctioning purposes that might be chosen, and to explore areas of consensus among the Board Members regarding their existing norms for decisionmaking.

Progress Toward Structured Decisionmaking. During the course of the retreat, the Board reached the conclusion that their own philosophical positions did not represent sufficient agreement to proceed to some explicit policy to guide individual decisions. Although the Board elected to continue with their decisionmaking practice as it had been followed in the past, the retreat provided them with the opportunity to come quickly and clearly to that decision and to avoid further fruitless efforts toward structured decisionmaking policy.

### Massachusetts

Background. The Massachusetts Parole Board is responsible for both parole release/revocation decisionmaking and for field supervision. It was an early participant in NIC's first technical assistance project for parole decisionmaking. Under that project, the Board reassessed its past decisionmaking grid and opted to begin policy development on decisionmaking anew. It developed a mission statement for the Board and its staff, a draft policy statement on parole release decisionmaking, and devoted a special appropriation from the legislature to developing a strategic plan including structured decisionmaking as an important element of its future. As the second technical assistance project began, the Board was engaged in many internal activities aimed at developing structured decisionmaking and requested continuing assistance at a modest level.

Assistance Provided. The Board has secured independent funding for the development of a risk assessment tool and completed a draft policy guiding the Board's decisionmaking. The next step was to expand or adapt decisionmaking policy to guide Hearing Examiners' responsibility for hearing cases at the county houses of correction. Over the course of the project, the technical assistance team provided advice and feedback on two separate documents representing drafts of decisionmaking policy. They also designed and facilitated a workshop for hearings examiners as they developed their input on policy to guide decisions on county cases.

Progress Toward Structured Decisionmaking. The Massachusetts Parole Board has drafted and adopted a mission statement upon which to base its decisionmaking policy. It has drafted and adopted decision-making policy that explicitly states its interests with a structured method of assessing each (risk, stakes, social welfare, case assessment, and decision outcomes). A validated risk assessment instrument will be completed by April 1990. Similar policy regarding county cases is planned. Recent legislation allowing the disclosure of reasons for individual parole decisions seems to be creating an incentive to push this policy development work to some closure. Since the final steps to formalizing policy are now being taken, it is fair to conclude that Massachusetts has made major progress toward explicit policy guiding parole decisionmaking. However, a recent vacancy in the chairmanship of the board makes it difficult to predict the future course of full policy implementation.

#### New York

Background. The New York Board of Parole is responsible for release and revocation decisionmaking as well as for supervision of parolees throughout the state through the New York Division of Parole. The Board Chairman serves also as Chairman of the Division. The Board has been operating with explicit release guidelines for some time.

Assistance Provided. The Board requested assistance to analyze its revocation decisionmaking and to develop policy to guide it. The Chairman of the Board, the Director of the Division of Policy Analysis and Information, the Chief Administrative Law Judge, and a Member of the Board participated in the project's workshop on revocation. In addition, project staff designed and staffed two retreats for New York. The first was a three-day retreat for the executive management team. The second was a three-day retreat for the entire staff of the field services section of the Division. The focus of both retreats was the drafting of a mission statement for the Board and the Division that would adequately reflect an integrated approach to parole in the state.

Progress Toward Structured Decisionmaking. The New York Board and Division of Parole correctly identified revocation and the handling of violation behavior as a logical arena for further development of structure. As they moved in this direction, they concluded that there is an essential link between release decisionmaking and supervision/revocation. In order to develop policy to handle violations, it became necessary first to address the need for a coordinated mission. The Board and Division have taken major strides by recognizing the need for a single mission statement, and have planned and begun a process of involving board and staff at all levels in drafting and finalizing a statement of mission for parole in New York State. The broader significance of New York's experience in this project, however, is that it is a manifestation of the need for parole to forge links between release and supervision in order to be effective actors in the criminal justice system

### South Carolina

Background. The South Carolina Department of Probation, Parole, and Pardon Services and its Board are responsible for parole release and revocation decisionmaking as well as for the supervision of both parolees and probationers in the community. It is also responsible for administering the pardon function in the state.

As a participant in NIC's first parole decisionmaking project, the Department and its Board had developed and implemented guidelines governing release decisionmaking. As the current project began, the Board was prepared to begin work on policy governing the handling of violation behavior.

Assistance Provided. The technical assistance team worked on-site with the staff and board to "map" the violation process and analyze the decision flow and location of discretion within it; to conceptualize a policy framework for the handling of violation behavior; to provide advice and feedback on initial drafts of the policy; and to plan for testing, training, and implementing the policy. During the course of the assistance which extended over 18 months, team members visited the

state four times. In addition, a team composed of the Chairman of the Board, the Deputy Director of the Department, the Chief Hearing Examiner, and a parole agent participated in the project's workshop on revocation.

Progress Toward Structured Decisionmaking. The Department now has in place policies and procedures which explicitly separate violation behavior into categories. The policy states the range of responses appropriate to those violations. The policy also identifies who--agent, supervisor, or board--is authorized to initiate the response. The policy has been pilot tested in a number of regions within the state. As the technical assistance project came to an end, the Department was planning staff training in preparation for state-wide implementation of the policy.

### Tennessee

Background. The Tennessee Board of Parole is responsible for parole release and revocation decisionmaking as well as the supervision of both parolees and probationers in the community.

As part of NIC's first parole decisionmaking project, the Board accomplished the following:

- Defined risk as a primary goal in decision-making;
- Began formulation of policies related to release and revocation decisionmaking and supervision;
- Established five staff/board committees (risk assessment, field services, special conditions, structure, revocations) to begin development of the various aspects of parole policies; and
- Revalidated their current risk instrument and determined to develop a new instrument.

Assistance Provided. The project team worked with staff and board members to train new parole board members; to design a research effort for the development of an updated risk assessment tool; to secure state funds to conduct the risk assessment research by reviewing drafts of the proposal and providing advice on potential consultants; to analyze the current revocation process (or "progressive intervention" as it is called in Tennessee) and determine its fit with supervision policy and release decisionmaking; to assist the board in the development of release decisionmaking guidelines; to provide advice and feedback on various drafts of the guidelines; and to conduct training for board and field staff on how to use the guidelines.

During the course of the assistance, which extended over 20 months, team members visited the state nine times. In addition, a team composed of board members and central office staff attended the project's workshop on revocations.

Progress Toward Structured Decisionmaking. The Board adopted release decisionmaking guidelines that became operational on November 1, 1989. The parole guidelines take the new sentencing guidelines into consideration, as well as other sentencing policies which can affect time served. Risk is the primary consideration in making a release decision. As the project came to an end, the Board was in the process of working with consultants to prepare the new risk assessment tool which will be incorporated into the guidelines when it is completed. The Board is also setting up additional variables on their information system so that they can be collecting information that will help in the development of a more objective needs scale in the future. Lastly, the board plans to analyze release decisions made from the guidelines every three months to assure that they are working as intended.

## Utah

Background. The Utah Board of Pardons is comprised of three Board members, three hearing officers, and a small agency staff. The Board has broad discretionary authority to set prison terms and release

offenders from prison; to consider supervision violations; and to revoke parole. It also has authority over pardons and commutations.

In their authority to set prison terms, the Board is guided by the Utah Sentence and Release Guidelines which serve as the basis for structuring their release discretion. Appreciating the assistance these guidelines provide, the Board requested technical assistance from the national project in order to bring this same concept of decision guidance to the Board's parole violation decisionmaking responsibility.

Assistance Provided. A team (including Board Chair and Executive Director and the Department of Corrections (DOC) Community Corrections Deputy) attended the national project workshop on supervision/revocation decisionmaking. A technical assistance team member conducted one site visit prior to the date of this workshop to help Utah officials identify their priority issues.

Progress Toward Structured Decisionmaking. The ability of the Board to initiate the actions outlined at the workshop after their return home has been affected by changes in Board appointments and changes in DOC staffing. Three of the four members of the team that attended the workshop have either changed or left the positions they held at the time they attended.

At this time it is unclear as to whether the Utah Board of Pardons will return to the topic of structured decisionmaking for supervision/revocation.

## Virginia

Background. The Virginia Parole Board, under the Secretary of Transportation and Public Safety, is comprised of five full-time members who are responsible for release decisionmaking, discharge from parole, and parole violation action. Responsibility for parole supervision lies with the Department of Corrections.

The Virginia Board participated in the first parole decisionmaking project. They initiated the development of release decisionmaking guidelines and started the empirical analysis to develop an offender assessment risk scale as one component of their guidelines.

Assistance Provided. The technical assistance team worked on-site with members of the parole board and staff to re-examine and recommit to the development of release guidelines; to outline a work plan for such; to assist the Board in its review of the empirical work conducted to develop a risk assessment scale; and to conceptualize the components and structure of parole release guidelines. The assistance took place over an 18-month period and included two Board workshops (two-day meetings) in addition to several one-day meetings. The technical assistance team also met with the Board and their advisory committee to provide an overview on parole guidelines and give an update on risk scale development.

Progress Toward Structured Decisionmaking. The Virginia Parole Board now has a preliminary draft of release guidelines which they are preparing to report to the Governor of Virginia by the end of this year. This guidelines package includes a completed empirically-derived risk scale, other offender assessment worksheets, and advisory policy decision options (advisory guidelines). Staff have, in support of the Board's move to guidelines, designed automated information support for the guidelines. The Virginia Board will move into a pilot test phase in the spring of 1990.

The Virginia Board has had to overcome member differences regarding not only the viability of guidelines, but also the structure and content of their guidelines. They have achieved consensus among Board and staff by engaging in a carefully managed and open development process.



#### IV. LESSONS LEARNED

The major product of this grant has been the assistance provided to individual paroling authorities. That assistance, along with a description of impacts upon the jurisdictions, is reported in the previous section of this report.

A second result of this grant, however, has been the capturing of some important lessons about issues current in the field of parole as the decade of the 1990s begins. These are summarized below.

##### Sanctioning Purposes

During the course of these technical assistance projects, it has become quite apparent that among paroling authorities there is a wide variety of opinion, judgment, level of understanding, and focus upon the topic of sanctioning purpose. Every jurisdiction involved in the project found a need to clarify their thinking about sanctioning purpose. There are several reasons for this lack of clarity. Surely, members of paroling authorities are no more or less capable or willing to deal with these questions than are any other group of citizens or of correctional professionals. The reasons for this lack of clarity lie in three areas. First, paroling authorities are typically composed of co-equal decisionmakers and policymakers. There is no one agency head or executive who sets policy and direction for the agency and who might clarify sanctioning purpose unilaterally. The development of consensus regarding sanctioning purpose is a challenge. Second, there is little opportunity or incentive for members of paroling authorities to undertake such an apparently esoteric task as clarifying their sanctioning philosophies when they are overwhelmed with case decisionmaking. Third, the lack of clarity concerning sanctioning purposes among paroling authorities reflect a more widespread lack of clarity found in the press, the literature, and in public debate about the purposes of criminal sanctions. These are not easy issues to settle and they have been made more complex by recent developments in sentencing laws. It is no wonder that paroling authorities find it difficult to sort

through desert, rehabilitation, incapacitation, or restoration when our society in general has not been able to do so. These are difficult and tenacious issues to settle.

However, some progress has been made on this front as a result of the technical assistance project. Pushed to find ways to help paroling authority members work their way through this philosophical minefield, the technical assistance team recognized that discussions of sanctioning purpose are often made more difficult because of the common inclusion of other issues which are really quite separable from sanctioning purpose. It was possible to separate out a number of "types" of purposes that might help clarify thinking. Often the debate over purposes stumbled over the misconception that one or the other of the sanctioning purposes under debate was more or less cost effective, was more or less "consistent," was inherently more or less demanding of accountability, and so forth. It became clear that the debate over sanctioning purpose was really masking a number of other issues that could be handled separately. In fact, it is possible to think of three conceptually separate types of "purpose." First, is overarching sanctioning purpose--what purpose does a criminal sanction serve with respect to individual offenders. These purposes include such concepts as rehabilitation, desert, incapacitation or risk control, deterrence (specific and general), and restoration.

Regardless of what overarching purpose is chosen, there are certain normative goals which one seeks to preserve in achieving the sanctioning purpose. For instance, regardless of whether one is seeking to control risk or rehabilitate an offender, one would seek to do so in a fundamentally humane, fair, evenhanded way, preserving constitutional rights.

At the same time, these sanctioning purposes are undertaken by public agencies with certain responsibilities for the stewardship of public resources and public trust. As such, they must be concerned about the efficient use of resources, accountability for public responsibility, and openness. Separating these concepts into three

categories helped to clarify discussion and development of consensus concerning sanctioning purpose among paroling authorities,

Another concept was helpful in facilitating discussion about sanctioning purpose. This was the idea that within a given state or county, it was not imperative that the entire continuum of the criminal justice system agree on a single sanctioning purpose. While law enforcement officials might be most interested in deterrence, sentencing courts might well be most concerned about desert. Because paroling authorities might well be most interested in risk control, for instance, did not mean that other interests in sanctioning could not be paramount at other points in the system

Beyond this, it is not workable for a paroling authority to select only one sanctioning orientation. Rather it is important to identify those sanctioning orientations that are relevant and to understand their relative priority. Then as policy and individual cases demand choices among those interests, it will be clear how decisions should be made.

### Structured Decisionmaking Revisited

When NIC's first national parole technical assistance project began in 1987, the most prominent existing examples of structured decisionmaking were the matrix models in use by some states that were based loosely or closely upon the parole guidelines of the U.S. Parole Commission. These models typically juxtaposed severity of offense along one axis of a matrix against offender risk or criminal history along the other axis of the matrix. In the cells of the matrix were time ranges (designated expected time to be served), or specific actions (release, non/release) to be taken. At the time, this was a significant advance in the explicitness with which parole decisions were made. Over the years, some of the characteristics of this approach presented problems. By juxtaposing severity of offense and risk, the utility of sound risk prediction instruments was often lessened since severity of offense is often inversely correlated with offender risk. In addition, since the matrix synthesized multiple

"concerns" of the decisionmaker (desert, risk, aggravation or mitigation, and sometimes institutional behavior) the matrix actually made it difficult to see and understand the elements of the decision process and how they interacted. Some decisionmakers reacted negatively simply to the format, feeling that they or their decisions were being forced into "boxes" that somehow trivialized the process, the individual, or the decision. With the demise of the U.S. Parole Commission and the introduction of the U.S. Sentencing Guidelines, the guidelines of the U.S. Parole Commission sometimes carried with them the negative (and inaccurate) aura of somehow having contributed to the end of parole at the federal level.

In 1990, the situation with respect to structured decisionmaking for parole is different. Although quite a number of states are utilizing specific policy regarding parole decisionmaking, one no longer finds that the matrix approach pioneered by the U.S. Parole Commission is the most widely-used paradigm. Rather, the form and content of decisionmaking policy is quite varied, each unique to its own jurisdiction.

Among states with explicit parole policy, there is a tendency to separate out elements of the decisionmaking (e.g., different instruments for different concerns within an individual case), rather than to synthesize policy into a single format (e.g., the U.S. Parole Commission's matrix). Examples here include Massachusetts, South Carolina, Tennessee, Pennsylvania, and Colorado. There is a growing recognition that a variety of "components" are involved in structured decisionmaking: instruments or formats to record the various interests in each case (e.g., risk control, release planning, institutional management, treatment/rehabilitation), a policy framework that integrates these various components including specific statements of decision options appropriate given certain conditions, a monitoring system to track the implementation of policy, training in the implementation of policy, and constant adjustment and modification.

**Policy Guiding Responses to Violation Behavior**

A number of jurisdictions are beginning to develop policy to guide, not simply the release decision, but also the setting of conditions regarding release, and the range of appropriate responses to violation behavior. In the past, the U.S. Parole Commission was a pioneer in this area as well. They utilized their matrix to guide a decision regarding how long an individual would be reincarcerated as a result of a violation. Their guidelines, however, did not address the question of whether an offender would be incarcerated. The guidelines only addressed the expected length of stay should an offender be reincarcerated. They also did not address other possible responses to violation behavior. These might include an increase in supervision level, the imposition of other special conditions, the entry into residential community-based facilities, etc. This is the area in which both South Carolina and Tennessee are working. The jurisdictions of the District of Columbia, Massachusetts, Utah, and New York have expressed a desire to move in this direction.

## V. OBSERVATIONS ON THE DELIVERY OF TECHNICAL ASSISTANCE

This section of the report summarizes some of the lessons learned about the actual process of providing technical assistance. This should be of interest and help in the future planning of technical assistance, whether it involves parole or other substantive public policy areas.

### Broadening the Definition of On-Site Technical Assistance

One innovation incorporated into the 1987 parole technical assistance project was the conduct of a workshop that brought together four jurisdictions to address common problems. This was in contrast to the earlier project where all assistance was provided either on-site or long-distance through mail and telephone conversations to individual jurisdictions.

This approach had several advantages:

- The workshop allowed the participants to share ideas, experiences, and to draw support from one another for the innovations and work they were undertaking.
- The workshop allowed the technical assistance team to interact with several jurisdictions during a relatively short period of calendar time.
- The interactions of participants with one another lent a credibility to the ideas emerging from the work that would have been hard to duplicate in another context. Because their fellow participants were also parole practitioners, the discussions, ideas, and emerging consensus assumed great credibility.
- Because of the personal contact afforded among the participants, individuals who attended now have a personal knowledge of some of their colleagues in other jurisdictions which has already encouraged participation in national organizations, conferences, and training.

- Because of the extensive opportunities for informal discussion and interaction that a several day workshop provides, participants also noted that they had learned things from their peers about topics totally unrelated to the workshop that they found useful upon their return to their home jurisdictions.

One rationale for adopting a workshop approach within this technical assistance project was the potential for cost saving. The technical assistance team, rather than making four separate trips to four separate sites would make only one trip to one site. However, the logistical demands of organizing a workshop setting (meeting space, setting a convenient date, preparing materials, accommodations, meals, transportation, etc.) along with the costs of travel and per diem for workshop participants roughly equalled the dollar cost savings. In this instance, only one of the four jurisdictions had funds to cover their own travel and per diem expenses. The other three jurisdictions were supported through a combination of project funds, short-term technical assistance funds, and locating the workshop in the home jurisdiction of one team of participants. The substantive advantage of the session, however, more than compensated.

#### Composition of the Technical Assistance Team

When the project team was originally assembled, a small core team was supplemented by a rather large pool (15 individuals) of expert consultants who would be called upon as the need arose. As this project (and the former project as well) progressed, it became clear that the core team was being more heavily utilized to deliver the technical assistance than originally planned. Two reasons for this are:

- The policy development work being conducted in the several jurisdictions was "cutting edge" work that was evolving as the assistance was provided. There were very few consultants available who were familiar with

the concepts being employed, hence the knowledge resident and evolving in the core team became more and more essential as the project went on.

- The role of the core "team leader" in each jurisdiction was important to the conduct of the technical assistance, not just as coordinator and "broker" of services, but as the individual knowledgeable of the jurisdiction's needs, the steps already taken in policy development, and in what the technical assistance project could offer. Hence the core team became heavily involved in the substance of the policy development work being carried on in each jurisdiction and their continued involvement was key.

A lesson is implicit in this experience. When technical assistance is provided to develop new approaches, the core team of a technical assistance project will be required to take a much more significant role than when the major objective is to disseminate existing expertise or knowledge. In the latter instance, expert consultants, with proven track records in the use of certain technologies, programmatic areas, and policy techniques will play a very significant role in providing assistance.

#### Time Frame

Again during this second technical assistance project, the importance of allowing adequate time to do policy and program development has been emphasized. All of the jurisdictions in which significant work was completed maintained a continuing relationship with the technical assistance project for almost its entire duration. Planning of on-site work, clarification of needs, mobilization of task teams in jurisdictions--all are elements of the policy development technical assistance, and all take time. Organizational change--inherent in significant policy change--is a slow and demanding process. It continues to be important to allow sufficient time for such changes to be agreed to, planned, implemented, and assessed. A time frame of



12 to 24 months is not unreasonable for such an effort within paroling authorities.

### Critical Mass On Site

Technical assistance can be seen as a catalyst to initiate interest and to encourage specific actions. Technical assistance, by definition, uses modest resources and is external, rather than internal, to the recipient agency. Therefore, the success of any policy development effort initiated through technical assistance will depend upon the existence of capabilities in-house to mount and maintain an effort. Those paroling authorities with extremely limited support staff, have found it difficult to sustain significant policy development efforts. In order to ensure the useful outcomes of technical assistance it is important to target those jurisdictions with local (either in-house, or within a sister agency) staff and funding to carry forward on the policy development and implementation initiated through the technical assistance.

### Working with Technical Assistance Recipients

The focus of this technical assistance effort has been parole decisionmaking and its first concern has been parole decisionmakers themselves. Therefore, from the beginning of the first project, there has been an emphasis upon involving all the members of paroling authorities, whatever the title--board members or commissioners. As the project evolved, it became clear that for policy development and implementation to take place, staff involvement was also key. Successful technical assistance depends upon leadership within the recipient agency, and leadership at multiple levels of the organization. This includes decisionmakers, policy makers, managers, and line parole officers. Technical assistance must include the formal and informal leaders of an organization, individuals with the skills, position, and credibility to move policy development and implementation to successful operations.

### Balancing Assistance and Ownership

During the course of two technical assistance projects, it became clear that jurisdictions who took clear ownership of the policy development initiatives were most successful at achieving their policy objectives.

Ownership is manifest in many ways. Perhaps the most critical element of ownership is the presence of what one might call a "champion" who assumes personal responsibility for moving a policy initiative forward. That individual may be the chair of a paroling authority or the chief executive officer of an organization. However, the "champion" may hold another position. As long as the individual has sufficient seniority and credibility within the organization, he or she can be an effective catalyst for change. In each jurisdiction where significant progress has occurred on structured decisionmaking, it is possible to identify an individual whose involvement has been key to that progress.

Other manifestations of ownership include: the assignment of a senior staff person responsible for managing the effort in-house, continuing and vocal support of the chair and members of the paroling authority, involvement of staff on task teams comprising the effort, and integration of innovations into the actual operations of the agencies (e.g., creation of new positions, utilization of new formats for recording information, etc.). These characteristics reflect genuine ownership of the policy initiatives by the organization. The technical assistance team provided advice, structured opportunities (workshops, retreats, training sessions) for the organization to do its work, offered specific technical expertise, and assisted in the planning of 'next steps.' Organizations who took "ownership" of the initiative were successful at utilizing the technical assistance to achieve their own policy goals. It was in these instances that most progress was made.

## VI. CURRENT TRENDS IN PAROLE

The latter part of the 1980s can only be characterized as an inconclusive period for parole. In some jurisdictions, paroling authorities are assuming new responsibilities for field supervision (District of Columbia, Tennessee), are experiencing growth in budgets and staffing (Massachusetts, New York), and are being called upon to assume more discretionary responsibility for releases than in the immediately preceding years (North Carolina). In at least one jurisdiction, a completely new identity for the discretionary release of offenders (Florida's Controlled Release Authority) has been created. On the other hand, discretionary parole release has been dramatically decreased in some states (Oregon, Delaware).

Despite this rather perplexing mix of change, there are some trends which continue clearly.

Prison Crowding. The continued pace of population growth in state correctional facilities continues to be a major fact of life for paroling authorities. This population pressure tends to put paroling authorities in the spotlight as a vehicle to relieve crowding. Indeed, some would make the argument that prison crowding has been the salvation of parole release decisionmaking. For paroling authorities, this can be seen as a mixed blessing. Overcrowding raises difficult questions for parole decisionmakers as to whether and how they should participate in dealing with this problem.

Workload. On another dimension, prison crowding has also increased paroling authorities' workloads. More inmates generate the need for more review and release hearings. Greater numbers of releasees generate the need for a greater number of revocation hearings. Members are being added to paroling authorities, more hearing officers are being hired and taking on wider interviewing responsibilities, and hearings are being held in more and more county facilities as state offender populations back up in county jails. In addition, policy development efforts are sometimes frustrated as the

workload crisis diverts attention. In sum, the prison overcrowding crisis is also a crisis for parole.

Visibility. The arena of parole release decisionmaking continues to be more and more visible to the public. In the past year, the State of Vermont has been involved in litigation involving the openness of its parole release decisionmaking process. In Massachusetts, legislation has been passed which allows public access to the reasons for any parole decision. Nationwide, victim advocates are seeking and obtaining more input into the parole process. The South Carolina Board routinely receives personal statements from the victims of crime as part of their parole release hearing process. In Florida, members of the paroling authority travel throughout the state taking comments from parties interested in particular cases. The pressure for more openness and accountability continues unabated.

Link Between Release and Supervision. Another clear trend in the parole field is a greater focus upon the link between release decisionmaking and supervision/revocation. This was most clearly apparent in the number of jurisdictions that requested technical assistance to develop guidelines for revocation. The reasons for this are two-fold. First, the workload of paroling authorities, and their discretionary authority is growing with respect to revocation. More and more offenders are coming back into institutions as a result of revocation of parole. This has caused paroling authorities to examine more closely how they make their revocation decisions, and to investigate other options open to them as decisionmakers at this stage of the process, including intermediate sanctions.

Second, discretionary (and sometimes non-discretionary) release from prison has been the focus of public concern numerous times within the last few years. During the presidential campaign of 1988, prison furlough programs came under attack. One celebrated release case in the State of California drew nation-wide criticism as well as community resistance. One can only conclude that release, in isolation, is never going to be a popular function. Indeed, parole release only makes sense to the public in the context of the parole supervision that

follows. The only parole release that makes sense is one that is prepared for and timed with conditions and a supervision plan to address public concerns about offender risk and stability in the community.

The Importance of Structured Decisionmaking. Ultimately, explicit policy guiding parole release, and the handling of violation behavior, is a powerful tool in responding to these trends challenging parole as it enters the 1990s. Explicit policy assists in the management of growing organizations and workloads. Explicit policy also assists in the management of decisionmaking among larger boards and boards with growing numbers of staff undertaking hearing functions and making recommendations on decisions. Lastly, explicit policy guiding parole release and revocation is a tool that links release practices with supervision and revocation practices--a link that is arguably essential to the survival of discretionary parole release decisionmaking.

## VII. FUTURE CHALLENGES

The field of parole has taken major steps forward in terms of practice in the last few years. Specific advances in those states participating in this technical assistance project are reported in an earlier section of this report. In addition, major advances have been made in terms of our understanding of the role parole plays in the criminal justice system, how current changes are affecting parole, and the efforts needed to ensure the continuing contribution of parole to state systems criminal justice systems in the future.

### Responses to Violation Behavior

One facet of an emerging and maturing understanding of parole and its place in the system is that the linkages between parole release and parole supervision are critical ones. In fact, parole can be seen as part of a larger picture of post-release discretion that governs the movement of offenders among various population groups--prison, levels of supervision, specific programming, intensive supervision, residential placements, and back into prison. Nowhere is this relationship more obvious than in the response of systems to violation behavior. This is where the intersection of the parole release function and the supervision function directly meet and where many opportunities exist for policy and program development.

Conditions of parole, both standard and special, are one of the mechanisms by which an offender's behavior is monitored and influenced while he or she is in the community. Case management and referral to various services are other such mechanisms. Violation of conditions can be an indicator that help is needed, or that risk is escalating, or that some sort of intervention is required. Experience suggests that responses to violation behavior are widely varied from one jurisdiction to another, and are rarely guided by explicit policy. Even beyond this, there is a lack of clear thinking about the purposes of intervention. Are we trying to maintain the credibility of the system, help an offender through a difficult time, or apply greater control to

manage risk? Often these questions are not asked, let alone answered. The major response is the writing of a violation report, the issuance of a warrant, revocation, and reincarceration.

One clear challenge in the future of parole is the degree to which paroling authorities and parole supervision agencies can think more clearly and creatively about responses to violation behavior. These responses must:

- Address the community's concern for management of risk;
- Respond to the offender's needs for successful reintegration into the community; and
- Be workable in a system with strained fiscal and institutional resources.

There is growing understanding of the importance of parole supervision as the logical extension of discretionary release decisionmaking and of the necessity of linking the two functions through coherent policy. At the same time, the spotlight has been focused upon revocation decisionmaking as a target of opportunity for change. Most often, the concern is voiced as a need for "intermediate sanctions," something short of reincarceration. As we have seen in many other policy areas, however, programmatic responses are springing up with little policy coherence. The current popularity of intensive supervision, electronic monitoring, house arrest, and other increasingly controlling--and some would say punitive--interventions as new tools in the array available to parole agencies is both promising and alarming. The energy and creativity is encouraging. The lack of policy coherence is alarming.

One of the challenges facing parole in the future is to build upon the urgency currently felt regarding responses to violation behavior, yet to make a substantial contribution by introducing attention to goals and objectives, to systematic analysis of alternatives, and to strategic planning for change.

In sum, recent history suggests that the linkages between release decisionmaking, supervision, and the handling of violation behavior lie in a troublesome and poorly understood area. Yet the handling of violation behavior (i.e., the return of significant numbers of offenders under supervision to incarceration) is having a major impact upon the way correctional programs are run and upon the way resources are utilized. These linkages are fertile ground for analysis, policy development, and program implementation. Better coordination, clearer understanding of the objectives to be served in the handling of violation behavior, clear policy about actions to be taken at specific junctures in the system, and a wider array of dispositional options--beyond reincarceration--are promising areas for policy and program development. The intermediate outcomes could be fewer returns to prison, less costly systems, and a more creative array of community corrections responses to offenders. Ultimately, the outcomes could include community supervision approaches that are more successful in meeting their stated objectives with offenders.

### Building Bridges to the Public

In state after state over the course of this technical assistance project, parole has surfaced in the public eye in a negative light. Often that light has been very deceiving and inaccurate. Parole is often blamed in the press and the media for release of offenders when the release is the result of a mandatory sentence (Singleton); parole may be associated for release when the offender was on some sort of work release or furlough from an institution (Horton); parole may be blamed for contributing to prison overcrowding because of paroling rates that are too low or blamed for a paroling rate that is too high.

Much of this negative imaging in the eyes of the public is a result of--or at least exacerbated by--a lack of understanding of what parole is and what function it performs.

If parole is to survive in the future, it is essential that paroling authorities begin to educate the public about their role in the criminal justice system. One part of that educational effort is to



define clearly the various segments of the public. Based upon an understanding of those segments, the effort can then proceed to identify the types of information relevant to each along with appropriate levels of detail. Then a strategy to educate each can be pursued. Some of those segments include legislatures, their staffs and committees; other agencies in the criminal justice system including especially prosecutors and judges; victims organizations; individual victims; and print and electronic media.

The worst possible position in which a paroling authority can find itself is to be faced with public outrage over a highly visible and heinous crime when the public, the press, and legislative bodies have no context within which to view the incident. One challenge facing parole in the future is to provide the public with a context, with information and understanding about parole, before such crises take place.

A key element of such a public education effort is an emphasis upon the link between release and supervision. Release in and of itself, will always be difficult for the public to grasp. Release and supervision as a phased re-entry into the community, with appropriate safeguards and supervision has a clear logic that responds to the community's concerns for the management of risk. Parole's future efforts at public education will benefit from a focus upon the linkages between discretionary release and parole supervision.

### Defining a Future for Parole

The imposition of a criminal sentence sets in motion a long chain of events that include the loss of liberty; the utilization of significant public resources in terms of dollars, prison capacity, and services; and eventual release to the community in almost every case. That chain of events may extend over decades. Because the making of a parole decision occurs at the time just prior to release, the parole decisionmaker has a unique perspective in helping to shape the chain of events set in place by judicial sentencing. Paroling authorities help to set the conditions of release and the supervision of the offender in

the community. They also may have the power to impose intermediate sanctions for violation behavior--sanctions which may ameliorate the risk an individual poses to the community and that may help to reintegrate the offender as well.

Parole offers a continuing presence during the carrying out of a sentence with regular review of the offender's progress, a review of readiness--both of the offender and the community--for release, and shaping the conditions of release as well as the strategy for supervision. The future of the parole function will be closely tied to the degree to which parole supervision and release decisionmaking are successfully coordinated and linked.

### REFERENCES

Austen, James, Success and Failure on Parole in California: A Preliminary Evaluation, National Council on Crime and Delinquency, 1988.

Burke, Peggy, Chris Hayes, Helen Connelly, Linda Adams, and Becki Ney, Classification and Case Management for Probation and Parole: A Practitioner's Guide, National Institute of Corrections, U.S. Department of Justice, Washington, D.C., forthcoming 1990.

\_\_\_\_\_, The National Institute of Corrections Model Case Management and Classification Project: A Case Study in Diffusion, National Institute of Corrections, U.S. Department of Justice, Washington, D.C., forthcoming 1990.

Burke, Peggy, Current Issues in Parole Decisionmaking: Understanding the Past: Shaping the Future, National Institute of Corrections, U.S. Department of Justice, Washington, D.C., 1988.

\_\_\_\_\_, "Parole Decisionmaking 1987," Perspectives, Fall 1987, 11(4):18-19.

\_\_\_\_\_, "Parole Decisionmaking: A Hard Job Just Got Harder," Corrections Today, December 1987, 49(7):74-78.

Burke, Peggy, Linda Adams, Gerald Kaufman, and Becki Ney, Structuring Parole Decisionmaking: Lessons from Technical Assistance in Nine States, National Institute of Corrections, U.S. Department of Justice, 1987.

Clear, Todd, "Statistical Prediction in Corrections," Research in Corrections, March 1988, 1(1).

del Carmen, Rolando V., Potential Liabilities of Probation and Parole Officers, Revised edition, edited by Melvin T. Axilbund, National Institute of Corrections, U.S. Department of Justice, Washington, D.C., 1985.

del Carmen, Rolando V., and Paul T. Louis, Civil Liabilities of Parole Personnel for Release, Non-Release, Supervision, and Revocation, National Institute of Corrections, U.S. Department of Justice, Washington, D.C., 1988.

del Carmen, Rolando V., and Eve Trook-White, Liability Issues in Community Service Sanctions, National Institute of Corrections, U.S. Department of Justice, Washington, D.C., 1986.

Doble, John, Crime and Punishment: The Public's View, The Public Agenda Foundation, 1987.

Figgie International, Inc., The Figgie Report Part V: Parole--A Search for Justice and Safety, Figgie International, Inc., Richmond, Virginia, 1985.

Glaser, Daniel, "Classification for Risk," in Don M. Gottfredson and Michael Tonry (eds.), Prediction and Classification: Criminal Justice Decision Making, University of Chicago Press, Chicago, 1987, pp. 249-291.

Green, Richard, "Who's Punishing Whom?," Forbes, March 21, 1988:132-136.

Gottfredson, Don M. and Michael Tonry (eds.), Prediction and Classification: Criminal Justice Decision Making, University of Chicago Press, Chicago, 1987.

Gottfredson, Don M., Colleen A. Cosgrove, Leslie T. Wilkins, Jane Wallerstein, and Carol Rauh, Classification for Parole Decision Policy, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice, 1978.

Gottfredson, Stephen D., and Ralph B. Taylor, "Public Policy and Prison Population: Measuring Opinion about Reform," in Judicature, 1984, 68(4-5):190-201.

Harris, M. Kay, The Goals of Community Sanctions, National Institute of Corrections, U.S. Department of Justice, 1986.

Irwin, John and James Austin, It's About Time: Solving America's Prison Crowding Crisis, National Council on Crime and Delinquency, San Francisco, 1987.

Morris, Norval and Marc Miller, Research in Brief: Predictions of Dangerousness in the Criminal Law, National Institute of Justice, U.S. Department of Justice, Washington, D.C., 1987.

McGarry, Peggy, Handbook for New Parole Board Members, National Institute of Corrections, U.S. Department of Justice, Washington, D.C., 1989.

O'Leary, Vincent, "History of Parole Decision Making," remarks presented at the Association of Paroling Authorities International conference, Washington, D.C., 1988.

O'Leary, Vincent, and Todd R. Clear, Directions for Community Corrections in the 1990s, National Institute of Corrections, U.S. Department of Justice, Washington, D.C., 1984.

Rhine, Edward E., "Prison Overcrowding Emergency Powers Acts: A Policy Quandary for Corrections," Proceedings of the 116th Congress of Corrections, American Correctional Association, College Park, Maryland, 1986.

Rhine, Edward E., and Ronald W. Jackson (eds.), Observations on Parole: A Collection of Readings from Western Europe, Canada and the United States, National Institute of Corrections, U.S. Department of Justice, Washington, D.C., 1987.

U.S. Department of Justice, Bureau of Justice Statistics, Bulletin: Prisoners in 1986, Washington, D.C., 1987.

U.S. Department of Justice, Bureau of Justice Statistics, Bulletin: Setting Prison Terms, Washington, D.C., 1983.

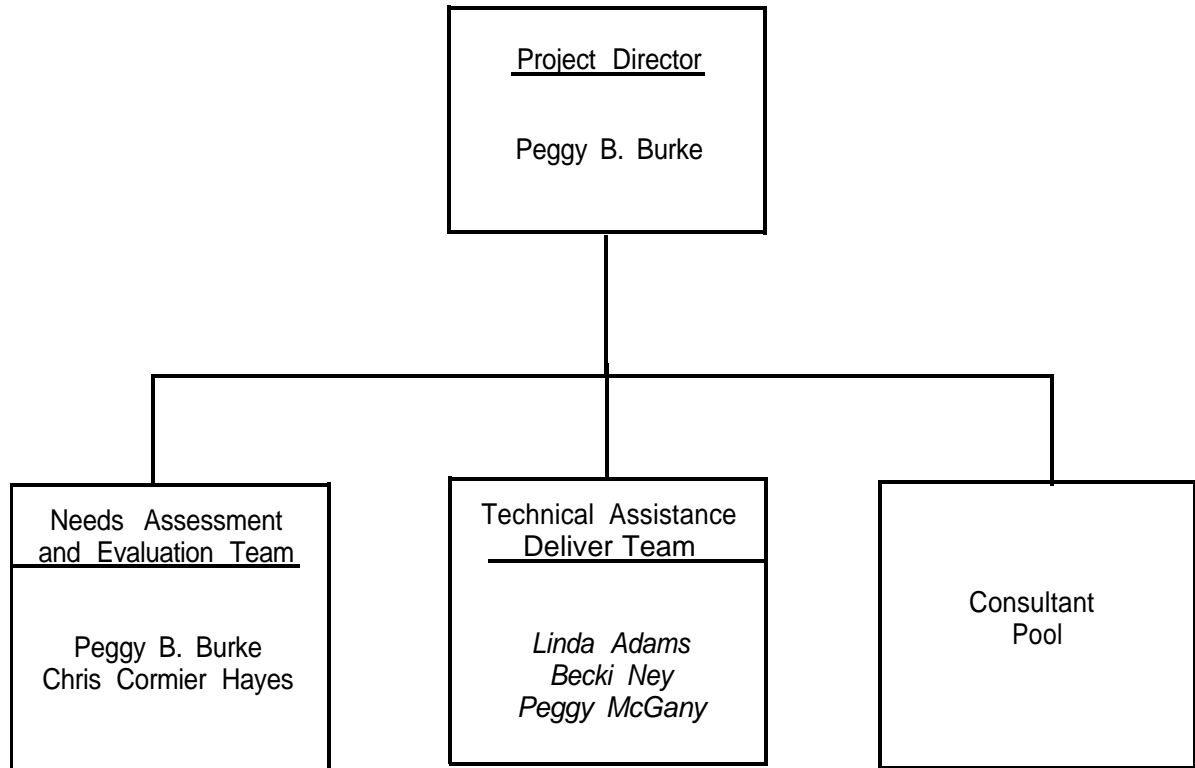
U.S. Sentencing Commission, Supplementary Report on the Initial Sentencing Guidelines and Policy Statements, Washington, D.C., 1987.

von Hirsch, Andrew, Doing Justice: The Choice of Punishments: Report of the Committee for the Study of Incarceration, Hill and Wang, New York, 1976.

**Appendix A**

**PROJECT ORGANIZATION**

## PROJECT ORGANIZATION



**Appendix B**

**PROJECT STAFF, CONSULTANTS, AND STATE TEAMS**



**PROJECT STAFF, CONSULTANTS, AND STATE TEAMS**

**Project Staff**

The following individuals formed the core team for delivery of technical assistance during the duration of this project.

Peggy B. Burke, Project Director, COSMDS  
Chris Cormier Hayes, COSMDS  
Linda Adams, Center for Effective Public Policy  
Becki Ney, Center for Effective Public Policy  
Peggy McGarry, Center for Effective Public Policy  
Kermit Humphries, National Institute of Corrections

**Project Consultants**

The following individuals agreed to serve as consultants to the technical assistance project.

Ronald Bishop, Member, Tennessee Board of Pardons  
Jim Bruton, Executive Officer, Office of Adult Release,  
Minnesota Department of Corrections  
John Byrd, former Executive Director, Texas Board  
of Pardons and Paroles  
Ron Christensen, Entropy Limited  
Todd Clear, Rutgers University, School of Criminal  
Justice  
Rolando del Carmen, Criminal Justice Center, Sam  
Houston State University  
Robert De Como, former Director of Research, South Carolina  
Department of Parole and Community Corrections  
Gretchen Faulstich, former Executive Director, Tennessee  
Board of Pardons  
Stephen Gottfredson, Chairman, Department of Criminal Justice,  
Temple University  
M Kay Harris, Department of Criminal Justice, Temple University  
Ronald Jackson, former Commissioner, Texas Board of Pardons  
and Paroles  
Mary Mande, Research Director, Colorado Division of  
Criminal Justice  
Vincent O'Leary, President, State University of New York  
at Albany  
Frank Sanders, former Executive Director, South Carolina  
Department of Parole and Community Corrections

**State Teams**

District of Columbia:	Linda Adams, Ron Christensen, Kermit Humphries, Peggy Burke
Florida:	Peggy Burke, Kermit Humphries
Kansas:	Peggy McGarry, Peggy Burke, Kermit Humphries
Massachusetts:	Peggy Burke, Linda Adams, Kermit Humphries
New York:	Peggy Burke, Linda Adams, Kermit Humphries
South Carolina:	Peggy Burke, Linda Adams, Becki Ney, Kermit Humphries
Tennessee:	Becki Ney, Mary Mande, Ron Christensen, Peggy Burke
Utah:	Linda Adams
Virginia:	Linda Adams, Ron Christensen

**Appendix C**

PROJECT MAILING



U.S. Department of Justice

National Institute of Corrections

---

*Washington, D.C. 20534*

February 8, 1988

Dear Colleague:

Over the past two years the National Institute of Corrections has actively provided assistance to state paroling authorities through publications, conferences, and most importantly, through an 18 month technical assistance project. On-site technical assistance was provided to nine paroling authorities around the country by the grantee, COSMOS Corporation of Washington, D.C..

In response to requests from the field, I am pleased to announce that NIC has recently made a new 18 month award to continue providing technical assistance to state and county paroling authorities. The grantee is once again COSMOS Corporation, who will continue its close association with the Center for Effective Public Policy of Philadelphia, Pennsylvania. Following completion of this award, NIC does not plan to continue the Technical Assistance for Parole Decision-making theme.

The attached material outlines the program in some detail and provides information on how to request assistance. I encourage you to consider the information carefully and to avail yourself of this opportunity for assistance if it would be beneficial to your organization.

Sincerely,

A handwritten signature in cursive script, reading 'Raymond C. Brown', is written over the typed name.

RAYMOND C. BROWN  
Director



---

Washington, DC 20534

TECHNICAL ASSISTANCE FOR PAROLE DECISIONMAKING

A Project of

The National Institute of Corrections

February 1988

Recognizing the continuing challenges which parole decisionmakers face in a time of increasing institutional populations, decreasing resources, and growing public scrutiny, the National Institute of Corrections has recommitted to a program of technical assistance designed specifically for state and local paroling authorities. This current effort follows upon a similar program made available during 1986 and 1987, during which nine states received assistance and made significant strides toward more structured decisionmaking processes. A copy of the final report summarizing the activities and achievements of that initial project is available from the NIC Information Center in Boulder, Colorado (303-444-1101). COSMOS Corporation, in collaboration with the Center for Effective Public Policy, has again been awarded a grant to provide this assistance.

**PURPOSE**

The purpose of this program is to assist paroling authorities to move toward the development and implementation of explicit policy to guide **individual** release and revocation decisions. Understandably, paroling authorities in this country are at very different stages in examining, designing, and implementing such policy. This project is prepared to work with selected authorities at any stage of the process, including those jurisdictions interested in revising and improving existing policy. Emphasis will be placed, not upon the implementation of a pre-existing model, but upon the development of policy tailored to the individual jurisdiction.

**SCOPE**

Resources **are available** for a total of six jurisdictions to receive on-site assistance under this program and for two or more additional jurisdictions to participate in a regional training conference.

Technical Assistance for Parole Decisionmaking  
Page 2

Participating jurisdictions will **be** selected during the first three months of the project period, and technical assistance will be provided over roughly a twelve month period. This will extend from the spring of 1988 through the spring of **1989**.

TOPIC AREAS

The resources available under this project are designed to assist paroling authorities to complete several types of activities.

Goal exploration and clarification. Prior to policy development, decisionmakers' goals and objectives must be clarified, areas of consensus identified, and a basis for policy development formulated. The project team has extensive experience in working with top decisionmakers in a retreat environment to assist them in beginning policy development work.

Assessment of current decisionmaking practice and policy. Prior to the development or revision of policy, a clear understanding of current practice is required. One type of assistance available under this project is an assessment of current decisionmaking practice. What are the strengths and limitations of current policy, classification tools, and policy development? How can that knowledge inform future policy development efforts? These are the types of questions which can be addressed by the technical assistance effort.

Design and use of decisionmaking tools. Many paroling authorities currently use, or would like to use, decisionmaking tools of some type. These include risk assessment devices, offense severity rankings, information summary formats, rating scales for institutional behavior, etc. How does one go about developing a risk assessment tool? How sound are existing tools, in light of the paroling authority's policy **objectives**? If empirically based, is the research underlying your current device adequate and still timely? Do current tools or scales need to be revalidated? While resource constraints make it impractical for technical assistance under this project to design individual decisionmaking tools, it can be a valuable resource in answering questions such as these. It can also be a resource in planning for the implementation of new tools.

Building policy framework. Many jurisdictions have some elements of decisionmaking policy in place (e.g., **a risk** assessment tool, specific policy with respect to certain types of release decisions but not others, an instrument for scaling service needs). Yet, the effect is a fragmented approach to decisionmaking. One **area** of particular interest for this project, is the building of integrated policy frameworks that link these tools through rational policy into a

Technical Assistance for Parole Decisionmaking  
Page 3

framework to guide and support decisionmakers. The project team is prepared to work with policymakers and decisionmakers in the design and implementation of such a framework.

Implementing policy. The translation of policy into actual practice requires training and it requires efforts to build ownership and acceptance in the organization for such policy. It also requires the design and implementation of monitoring systems and the development of such supporting tools as reporting formats, manuals, and information systems. Resources are available under this project to assist jurisdictions in undertaking policy implementation. Assistance can be provided in planning for implementation and in managing the implementation process.

#### TECHNICAL ASSISTANCE STRATEGY

What methods be used? Assistance to six jurisdictions will be provided primarily on-site, so that all decisionmakers as well as key staff and other actors in the correctional system can be fully involved. A small team of technical assistance providers will conduct interviews, will design and staff seminars and problem-solving sessions with policy makers, and will provide one-to-one advice on policy and technical issues. This will be supported by the provision of written technical assistance plans and reports and other resource materials.

Those selected as recipients of on-site technical assistance can anticipate that the technical assistance team will conduct an on-site needs assessment soon after selection, and that technical assistance will be provided periodically, and on a schedule that fits the needs of each participating jurisdiction, over the course of the project period.

In addition, two or more jurisdictions will be selected to participate in a regional training conference. The purpose of this conference will be to bring two or more paroling authorities together to work with the technical assistance team to solve policymaking problems and issues which they have in common.

Who will be involved? **Parole decisionmakers** will be involved in all aspects of the technical assistance--defining the need for assistance, the potential solutions, and implementation steps. However, emphasis will also be placed upon **board/staff** team building both in the development and implementation of decisionmaking policy.

How can I be sure that the assistance will be practical and that it will be geared to my unique situation? Assistance will be **tailored** to specific needs and goals of a particular jurisdiction, avoiding packaged solutions, but building upon the experience of other jurisdictions. Practitioners from other jurisdictions will be included on the technical assistance team. Emphasis will be placed upon **implementation** of the technical assistance recommendations. The goal

Technical Assistance for Parole. Decisionmaking  
Page 4

will be to effect change in decisionmaking practice through the implementation of specific policy.

PROJECT TEAM

The project team brings together practitioners from numerous jurisdictions, distinguished researchers, and professional technical assistance providers assembled from all aspects of parole decisionmaking.

The core team for this effort also participated in NIC's 1986-1987 effort, ensuring that lessons learned during that earlier period will be applied to the present project. The director of the project is Peggy Burke of CCSM3S Corporation, who directed NIC's earlier technical assistance effort. Her colleagues on the core team include Chris Hayes of CCSMCS Corporation, Linda Adams, Becki Ney, and Peggy McCarry of the Center for Effective Public Policy. Kermit Humphries, NIC's grant monitor, will also participate as a member of the core team.

Expert consultants will supplement the core team and provide a range of skills for specific assignments. Heavy emphasis is placed upon practical skills of these consultants, many of whom hold or have held policy and operational positions within parole and corrections agencies.

This cadre of consultants will be expanded as the project progresses, however, at this time it includes two current parole decisionmakers; one former chair of a paroling authority; one current and three former executive directors of paroling authorities; one former director of research for a state parole and community corrections agency; one researcher who specializes in legal issues surrounding parole supervision and parole decisionmaking; and three well-known members of the criminal justice academic community who have worked closely with practitioners in the development of decisionmaking tools and policy.

All of the above know well the problems of parole board members and the issues and problems involved as parole boards move toward more structured release decisionmaking.

ELIGIBILITY AND SELECTION

All paroling authorities in the nation--state and county--who have release and/or revocation decisionmaking authority for offenders currently being sentenced are eligible to request assistance.



Who should request assistance? Any paroling authority committed to developing and implementing, or revising explicit policy to guide release and/or revocation decisionmaking is encouraged to request assistance. Because resource limitations make it impossible to provide assistance to all paroling authorities who might desire such help, several factors will be taken into consideration in selecting technical assistance recipients.

- Do you have a commitment to implement decisionmaking policy? Preference will be given to those jurisdictions which demonstrate a genuine commitment to such implementation.
- Have you made efforts on your own to get policy development underway? Preference will be given to those jurisdictions where tangible efforts have been made. Indicators include the existence of a mission statement, the existence and regular updating of policies and procedures manuals, the existence of a forum for policy formulation, etc.
- Can the Chairperson, Board members, and staff make significant time available to devote to policy development and implementation? Preference will be given where time will be made available for meetings, interviews, and working sessions with the technical assistance team.
- Have you, or can you, identify resources--funding, staff time, technical **expertise, data** analysis and processing capabilities--to bring to bear on the policy development **task? These** resources can be sought both from inside your own organization and from external sources such as other public agencies, universities, or **private** organizations. Preference will be given **to** those **jurisdictions** where potential **resources** have, **at least**, been identified.
- Can you identify an individual--a board member or a *senior* staff person--to serve as an in-house leader for the technical assistance effort during the course of the project? Identifying such an individual in your request for assistance will be helpful.

REQUESTING ASSISTANCE

How can I request assistance? A letter should be sent from the Chairperson of the paroling authority requesting assistance under this project. The letter should state the paroling authority's interest in receiving assistance and should, to the degree possible, provide answers to the questions listed above.

When should the request be made? All requests should be received by March 21, **1988**. Requesting agencies may indicate a preference either for on-site technical assistance or for participation in the regional conference. However it was not necessary to express such a preference, and a final decision regarding type of assistance will be made by the project team in consultation with the requesting agency.

Will a fee be charged for this technical assistance? No fee will be charged for the services of the technical assistance team or for their travel and expenses. However, participating jurisdictions will be expected to absorb any travel and per diem costs of their own members and staff. In addition, they will be expected to provide in-kind support through devotion of board and staff time.

Where should the request be sent? Please send requests to:

Peggy B. Burke  
Project Director  
COSMOS Corporation  
**1735** Eye Street, N.W., Suite **613**  
Washington, D.C. **20006**  
**(202)** 728-3939

Where can I call to get more information or assistance in preparing my request? Please feel free to call Peggy Burke at the above number. Further information may also be obtained from:

Kermit Humphries  
Community Corrections Division  
National Institute of Corrections  
320 First Street, N.W.  
Washington, D.C. **20534**  
**(202)** 724-799s

